App. F. IX-4

1928-31 (Law

File No. 77-28

Previous References
Law 77-28, 1-4.

Serial Nos. 5

Later References

D B (4)

General and Revenue Secretariat.

Serial Nos. One

Part B for July 1929

SUBJECT

Criminal Revision petition no. 209 of 1928-29 on the file of the Chief Court (Govt. Vs. Narayan)

M. M. 8/7/29

General and Secretariat

Law File No. 7

App. F[illegible]
of 1928

Serial

Letter no. 937 dated 24.6.29 from C.A. Ambarasima [illegible] Magistrate Coorg report in case 20 [illegible] 29, Tmk R.C.S of 28.29 (Narasimagh-)

The [illegible] Name converses [illegible] the circumstances with reference to [illegible] state that the accused [illegible] to them [illegible] through and [illegible]

[illegible]

28/6/29

Secy

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submit for

3rd member

2.7.29

Law
6/7

WD 01684—GPB—30,000—10-4-29

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In reply please refer to
No. 937

Tel. Address
"JURIST," Bangalore

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,

Bangalore 24th June 1929

From

The Government Advocate
in Mysore, Bangalore.

To

The Secretary to the Government of
H. H. the Maharaja of Mysore,
Law Department, Bangalore.

Sir,

With reference to G. O. No. P.4305-6/Law 77-28-4, dated the 8th February 1929, I have the honor to forward herewith, for the information of Government a copy of the order passed by the Chief Court in Criminal Revision Petition No. 207 of 1928-29 on their file. (Government of Mysore, VS. Narayaniga).

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Thursday the 28th day of March 1929.

P R E S E N T

RAJADHARMAPRAVINA

MR . JUSTICE C .S .DORASWAMI IYER ,
CHIEF JUDGE,

and

MR . JUSTICE M . RAMACHANDRA RAO.

Criminal Revision Petition No. 207 of 1928-29

Government of Mysore ... Complainant .. Petitioner.
(By Mr. A.R.Nageswara Iyer, Government Advocate for Government) Vs.

Narayaniga ... Accused ... Opponent
(In person)

Criminal Revision Petition praying that the sentence passed by the Sessions Judge of Bangalore in Kolar Sessions Case No. 5 of 1928-29, may be enhanced.

This Criminal Revision Petition coming on for hearing on Monday the 25th day of March 1929, the Court pronounced the following :-

O R D E R.

The accused was convicted on his own plea that he is guilty of the offence with which he was charged, and Section 271 (1) enables the Sessions Court to convict him on such a plea. In this case the charge was read and clearly explained. Not only was the plea recorded as a whole, but the accused was in addition questioned by the court with a view to elicit any explanation which might be offered by the accused in justification or extenuation of his conduct. Beyond stating, ~~in~~ - in substance, that the act done by him was due to his misfortune, he did not say more. It must also be mentioned that even during the enquiry in the committing magistrate's court, his attitude and plea were the same.

As the accused was a young man of about 20 or 22 (judged by appearance) and his younger brother whom he had thrown into the well was an innocent young lad of 9 years, and as apparently there was no motive for the accused in behaving in the manner he did, unless there was something wrong with his wits, we sent for for him from the jail, and questioned him generally about the occurrence. We were unable to get from him anything more than what he had stated in the courts below. He merely attributed his act to thoughtlessness and misfortune. He appeared to us to be dull but not out of wits. When asked as to why the sentence should not be enhanced, he stated, as he did in the Sessions Court, that he threw himself on the mercy of the Court. If instead of simple imprisonment, rogorous imprisonment for a period of six months had been given, we should not have thought it fit, in the circumstances of the case, to enhance the sentence. Having regard to the fact that the accused was in custody from - 26th August 1928, till the 20th ~~December~~ November 1928 as an undertrial prisoner, and that he has undergone simple imprisonment

imprisonment for 4 months and one week out of the six months simple imprisonment inflicted on him we think that if during the rest of the period of the unexpired term of his sentence we direct that he be rigorously imprisoned, in the place of the simple imprisonment given by the Sessions Court, the ends of Justice will be met, and we order - accordingly.

Sd/- C. S. Doraswami Iyer,
CHIEF JUDGE

Sd/- M. Ramachandra Rao,
J U D G E.

" C o p y "

REGISTRAR
in charge.

crr.